

Dillon

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Aging Issues And Answers

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By Lieutenant Governor André Bauer



Question: What rights do people in nursing homes have to have their complaints or problems addressed by staff or owners?

Answer: There's actually quite a bit of federal and state law supporting the rights of individuals who are being cared for in institutional care settings such as nursing homes.

Residents' rights are guaranteed by the federal 1987 Nursing Home Reform Law and by South Carolina state law (S.C. Code Ann. § 44-81-20). These laws require that long-term care facilities "promote and protect the rights of each resident" and place a strong emphasis on individual dignity and self-determination. A person living in a long-term care facility maintains the same rights as an individual living in the community.

In addition, a Residents' Rights Poster has to be posted in prominent locations in all nursing homes and other long-term care facilities. With regard to lodging complaints with a facility's staff or owners, Nursing home residents have the right under the law to present grievances to staff or any other person, without fear of reprisal and with prompt efforts by the facility to resolve those grievances. In cases where that isn't a viable solution to their problem, they also have the right to make their complaint known directly to the Long Term Care Ombudsman.

The Long-Term Care Ombudsman program is part of the Lt. Governor's Office on Aging, and it's precisely where you should go for help if you're concerned a facility is not guaranteeing the rights of residents who live there. The Ombudsman program is required by federal law to promote and protect the rights of residents in licensed long-term care facilities. In fact, all long-term care facilities in South Carolina should have that contact information for the Long Term Care Ombudsman posted

in a conspicuous place. Contact your regional or state Long-Term Care Ombudsman to report any problems and request their help with getting them resolved. If you don't have the telephone number for your regional office, you can call the state office in Columbia at 1-800-868-9095.

Additional Resident's Rights outlined in the law:

The right to information; such as services and charges, facility rules and contact information for the State Ombudsman,

The right to participate in your own care; such as being involved in treatment decisions, being provided information about your medical condition, or being able to refuse medications or treatments if you choose to.

The right to privacy and confidentiality; which includes being able to communicate with people outside the facility and the right to have your personal financial or medical information remain confidential.

Rights pertaining to transfers and discharges: this includes the right to a 30 day notice before transfer or discharge and the right to appeal such decisions to the Long Term Care Ombudsman.

Rights pertaining to visitors; you have the right to have visitors, as well as the right not to have visitors if you so choose.

The right to make independent choices; including organizing and participating in residents' councils and making your own decisions about what to wear or how to spend your free time.

The broad categories and examples listed above aren't meant to be comprehensive, but they should give you some idea about what kinds of things are covered by the Resident's Bill of Rights. Again, if you have any questions at all about your own situation or that of a loved one in a long term care facility, do not hesitate to call the Ombudsman and ask. They will be glad to help you.